IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CRIMINAL APPLICATION No 15 of 2001

For Approval and Signature:

Hon'ble MR.JUSTICE H.K.RATHOD

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

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BHAVANBHAI BHIKHABHAI HARIJAN

Versus

STATE OF GUJARAT

Appearance:

1. Special Criminal Application No. 15 of 2001
MS DR KACHHAVAH for Petitioner
MR HL JANI, Ld. APP for Respondents

CORAM : MR.JUSTICE H.K.RATHOD

Date of decision: 27/07/2001

ORAL JUDGEMENT

1. Heard Ms.D.R.Kachhavah, learned advocate for the petitioner and Mr.H.L.Jani, learned APP for the respondents.

2. In the present petition, the show cause notice has been issued by the Sub-Divisional Magistrate, Mahuva on 12/5/95 to the petitioner and, thereafter, the order of externment has been passed on 16/6/97 in Externment

Case No.4 of 1997 by the Sub-Divisional Magistrate, Mahuva. The appeal has been preferred by the petitioner against the externment order passed by the Sub-Divisional Magistrate, Mahuva before the Appellate Authority. The Appellate Authority has rejected the same on 16/2/01. As per the order of externment dated 16/6/97, the Sub-Divisional Magistrate, Mahuva has directed the present petitioner to furnish the bond of Rs.10,000/- with two solvent sureties of the village Hamirpara for a period of 2 years.

3. Mr.H.L.Jani, learned APP for the respondents has submitted that these 2 years are already over and, therefore, the present petition has become infructuous. Ms.D.R.Kachhvah, learned advocate for the petitioner has not disputed the submission made by the learned APP for the respondents. According to my opinion, the period of 2 years are already over and, therefore, the present petition has become infructuous. Therefore, without deciding the legality and validity of the order and without adjudicating the matter on merits, the petition is required to be disposed of as having become infructuous.

4. For the aforesaid reasons, the present petition is disposed of as having become infructuous. Rule discharged.

(H.K.Rathod,J.)

(vrpanchal)**